THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.2512 of 2007

Between:

Lavudiya Sammaiah. .. PETITIONER

and

The Deputy Commissioner of Prohibition
and Excise, Karimnagar and another.
..
RESPONDENTS

-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-

ORDER:

This writ petition is filed seeking a Writ of Mandamus for declaring

the action of the 1st respondent in not releasing the stocks seized under P.R.No.380/2006-07, as illegal and arbitrary.

The petitioner submits that he is carrying a business under the name and style of M/s.Omkar Jaggery and Kiranam at the premises bearing No.11-3-428, Rajiv Nagar, 8th Incline Colony, Godavarikhani, Karimnagar, and he has purchased 70 quintals of Jaggery and the value of which is Rs.70,000/- from the Agricultural Market Committee, Kamareddy, on 20-11-2006. It is stated that after paying value added tax, market fee and hamali charges, he got transported the said Jaggery from Kamareddy to his premises. Similarly, he has also purchased Aluminium Alum of 10,000 kgs for a sum of Rs.20,000/- from Mounika Chemicals, Jeedimetla, Hyderabad, on 21-11-2006.

It is further stated that the Prohibition and Excise Inspector, GodavariKhani, on information, during I.D. raids, searched the house beside Deji Naik Kirana Shop of Alloor Thanda and seized 25 gunny bags each having four black jaggery lumps, total 100 lumps, approximately 1,000 kg. of black jaggery and 82 plastic bags of Alum each bag having 40 kgs. of Alum i.e., total 3,280 kgs of Alum.

It is further stated that he filed an application before the 1st respondent on 20-01-2007 requesting for release of the said Jaggery as well as the Alum.

I am not inclined to express any opinion on the merits of the case because the issues as to whether the petitioner is the owner of the said Jaggery and the Alum and whether the said goods are intended for manufacture of I.D.Liquor, are all the matters to be enquired into and pass appropriate orders. But, however, pending confiscation proceedings, the 1st respondent is directed to pass appropriate orders for release of the

said good for giving interim custody subject to such terms and conditions that may be imposed by him.

Accordingly, the writ petition is disposed of directing the 1st respondent to consider and dispose of the representation of the petitioner, dated 20-01-2007, in accordance with law, within a period of two (02) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

_____

12-02-2007

Prv